

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, NOVEMBER 2, 2020

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2020-00239

For approval and certification of electric
transmission facilities: Allied-Chesterfield 230 kV
Transmission Line #2049 Partial Rebuild Project

ORDER FOR NOTICE AND COMMENT

On October 14, 2020, Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application for approval and a certificate of public convenience and necessity to construct and operate electric transmission facilities in Chesterfield County, Virginia ("Application"). Dominion filed the Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

Dominion seeks to rebuild, entirely within existing right of way, an approximately 2.9 mile section of existing 9.9 mile long 230 kilovolt ("kV") Allied-Chesterfield Line #2049, which is located between Structures #2049/20 and Structure #2049/37 in Chesterfield County, Virginia (the "Rebuild Project").¹ Specifically, the Company states that the Rebuild Project will include the rebuild of 16 existing transmission towers (Structures #2049/21 through #2049/36).² Additionally, between Structures #2049/20 and Structure #2049/37, the Rebuild Project will

¹ Application at 2.

² *Id.*

include the transfer of four of the six existing sub-conductors to the new structures to be re-used, and the installation of two new sub-conductors.³

Dominion states that the Rebuild Project is necessary to maintain the structural integrity and reliability of its transmission system in compliance with mandatory North American Electric Reliability Corporation Reliability Standards.⁴ The Company further states that the Rebuild Project will replace aging infrastructure that is at the end of its service life.⁵

The Company states that the desired in-service date for this project is April 15, 2022.⁶ The Company represents that the estimated conceptual cost of the Rebuild Project (in 2020 dollars) is approximately \$4.8 million, all for transmission-related work.⁷

As provided by Code § 62.1-44.15:21 D 2, the Commission and the State Water Control Board ("Board") must consult on wetland impacts prior to the siting of electric utility facilities that require a certificate of public convenience and necessity. Acting on behalf of the Board, the Department of Environmental Quality ("DEQ") must prepare a Wetland Impacts Consultation on this Application, as required by the Code and Sections 2 and 3 of the Department of Environmental Quality - State Corporation Commission Memorandum of Agreement Regarding Consultation on Wetland Impacts.⁸ The Staff of the Commission ("Staff") has requested the

³ *Id.*; Application Appendix II.B.2.

⁴ Application at 2.

⁵ *Id.* at 2-3.

⁶ *Id.* at 3. Dominion requests that the Commission enter a final order by March 15, 2021, for the Company to begin construction by October 1, 2021, and complete construction by April 15, 2022. *Id.* at 3.

⁷ Application at 3.

⁸ *In re Receiving comments on a draft memorandum of agreement between the State Water Control Board and the State Corporation Commission*, Case No. PUE-2003-00114, 2003 S.C.C. Ann. Rept. 474, Order Distributing Memorandum of Agreement (July 30, 2003).

Office of Wetlands & Stream Protection at the DEQ to provide a Wetland Impacts Consultation for the Rebuild Project.⁹

As provided by Code §§ 10.1-1186.2:1 B and 56-46.1 A, the Commission and the DEQ must coordinate reviews of the environmental impact of electric generating plants and associated facilities. Pursuant to the Code and consistent with the Department of Environmental Quality - State Corporation Commission Memorandum of Agreement Regarding Coordination of Reviews of the Environmental Impacts of Proposed Electric Generating Plants and Associated Facilities (August 2002),¹⁰ the Commission receives and considers reports on the proposed facilities from state environmental agencies. The Staff has requested the DEQ to coordinate an environmental review of this Application by the appropriate agencies and to provide a report on the review.¹¹

NOW THE COMMISSION, upon consideration of the Application and applicable statutes, finds that: this matter should be docketed; Dominion should give notice of its Application to interested persons and the public; a procedural schedule should be established to allow interested persons an opportunity to file comments and request a hearing on the Application; and the Staff should be directed to investigate the Application and file a report containing its findings and recommendations thereon ("Staff Report"). We further find that a

⁹ Letter from William Henry Harrison IV, Esquire, State Corporation Commission, dated October 23, 2020, to David L. Davis, Department of Environmental Quality, filed in Case No. PUR-2020-00239.

¹⁰ *In re Receiving comments on a draft memorandum of agreement between the Department of Environmental Quality and the State Corporation Commission*, Case No. PUE-2002-00315, 2002 S.C.C. Ann. Rept. 559, Order Distributing Memorandum of Agreement (Aug. 14, 2002).

¹¹ Letter from William Henry Harrison IV, Esquire, State Corporation Commission, dated October 23, 2020, to Bettina Rayfield, Department of Environmental Quality, filed in Case No. PUR-2020-00239.

Hearing Examiner should be assigned to rule on any discovery matters that may arise in this proceeding.

The Commission further takes judicial notice of the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, and the declarations of emergency issued at both the state and federal levels.¹² The Commission has taken certain actions, and may take additional actions going forward, that could impact the procedures in this proceeding.¹³ Consistent with these actions, in regard to the terms of the procedural framework established below, the Commission will, among other things, direct the electronic filing of testimony and pleadings, unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUR-2020-00239.

(2) All pleadings in this matter should be submitted electronically to the extent

authorized by Rule 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice

¹² See, e.g., Executive Order No. 51, Declaration of a State of Emergency Due to Novel Coronavirus, COVID-19, issued March 12, 2020, by Governor Ralph S. Northam. See also Executive Order No. 53, Temporary Restrictions on Restaurants, Recreational, Entertainment, Gatherings, Non-Essential Retail Businesses, and Closure of K-12 Schools Due to Novel Coronavirus (COVID-19), issued March 23, 2020, by Governor Ralph S. Northam, and Executive Order No. 55, Temporary Stay at Home Order Due to Novel Coronavirus (COVID-19), issued March 30, 2020, by Governor Ralph S. Northam. These and subsequent Executive Orders related to COVID-19 may be found at: <https://www.governor.virginia.gov/executive-actions/>.

¹³ See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, Doc. Con. Cen. No. 200330035, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency Extension of Prior Orders*, Case Nos. CLK-2020-00004 and CLK-2020-00005, Doc. Con. Cen. No. 200520101, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020).

and Procedure ("Rules of Practice").¹⁴ Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. For the duration of the COVID-19 emergency, any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.¹⁵

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(4) As provided by § 12.1-31 of the Code and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice, the Commission assigns a Hearing Examiner to rule on any discovery matters that may arise in this proceeding.

(5) An electronic copy of the Company's Application may be obtained by submitting a written request to counsel for the Company, David J. DePippo, Esquire, Dominion Energy Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219, or

¹⁴ 5 VAC 5-20-10 *et seq.*

¹⁵ As noted in the Commission's March 19, 2020 Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency in Case No. CLK-2020-00005, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may not be processed for an indefinite period of time due to the COVID-19 emergency. *See* n.13, *supra*.

david.j.depippo@dominionenergy.com. Interested persons also may download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.

(6) On or before December 4, 2020, the Company shall cause to be sent by first class mail a copy of the notice and sketch map prescribed in Ordering Paragraph (7) to all owners of property within the route of the proposed line, as of the date of this Order and as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance, treasurer, or other officer of the county or municipality designated as provided by Code § 58.1-3100 *et seq.*

(7) On or before December 4, 2020, the Company shall publish on one occasion in two (2) successive weeks the sketch map of the proposed route, as shown on page 139 of the Appendix to the Application, and the following notice as display advertising (not classified) in a newspaper or newspapers of general circulation in Chesterfield County, Virginia:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
VIRGINIA ELECTRIC AND POWER COMPANY
FOR APPROVAL AND CERTIFICATION OF ELECTRIC
TRANSMISSION FACILITIES:
ALLIED-CHESTERFIELD 230 KV
TRANSMISSION LINE #2049 PARTIAL REBUILD PROJECT
CASE NO. PUR-2020-00239

On October 14, 2020, Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application for approval and a certificate of public convenience and necessity to construct and operate electric transmission facilities in Chesterfield County, Virginia ("Application"). Dominion filed the Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

Dominion seeks to rebuild, entirely within existing right of way, an approximately 2.9 mile section of existing 9.9 mile long 230 kilovolt ("kV") Allied-Chesterfield Line #2049, which is located between Structures #2049/20 and Structure #2049/37 in Chesterfield County, Virginia (the "Rebuild Project"). Specifically, the Company states that the Rebuild Project will include the rebuild of 16 existing transmission towers (Structures #2049/21 through #2049/36). Additionally, between Structures #2049/20 and Structure #2049/37, the Rebuild Project will include the transfer of four of the six existing sub-conductors to the new structures to be re-used, and the installation of two new sub-conductors.

Dominion states that the Rebuild Project is necessary to maintain the structural integrity and reliability of its transmission system in compliance with mandatory North American Electric Reliability Corporation Reliability Standards. The Company further states that the Rebuild Project will replace aging infrastructure that is at the end of its service life.

The Company states that the desired in-service date for this project is April 15, 2022. The Company represents that the estimated conceptual cost of the Rebuild Project (in 2020 dollars) is approximately \$4.8 million, all for transmission-related work.

The proposed Rebuild Project is located entirely within existing right-of-way and on Company-owned property in Chesterfield County.

The proposed route for the proposed Rebuild Project is located within an approximately 2.9-mile right-of-way currently occupied by three existing overhead 230 kV transmission lines, including Line #2049. The existing transmission line right-of-way for the proposed route of the Rebuild Project, which is 175 feet wide, originates at Structure #2049/20, which is located on the eastern side of the intersection at Old Stage Road (State Route 732) and Old Bermuda Hundred Road (State Route 678) in Chesterfield County, Virginia, and then continues in a southeasterly direction along the easement for 2.9 miles, concluding at Structure #2049/37, which is located at the junction where Line #2049 and Lines #211/#288 diverge.

For the proposed Rebuild Project, the existing lattice towers are proposed to be replaced with new monopole structures. The minimum proposed structure height is approximately 80 feet, the maximum proposed structure height is approximately 110 feet,

and the average proposed structure height is approximately 100 feet, based on preliminary conceptual design, excluding foundation reveal and subject to change based on final engineering design.

All distances, heights, and directions are approximate. A sketch map of the proposal accompanies this notice. A more detailed map may be viewed on the Commission's website: scc.virginia.gov/pages/Transmission-Line-Projects.

The Commission may consider a route not significantly different from the route described in this notice without additional notice to the public.

A more complete description of the Rebuild Project may be found in the Company's Application.

An electronic copy of the Company's Application also may be obtained by submitting a written request to counsel for the Company, David J. DePippo, Esquire, Dominion Energy Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219, or david.j.depippo@dominionenergy.com.

The Commission has taken judicial notice of the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, and the declarations of emergency issued at both the state and federal levels. In accordance therewith, all pleadings, briefs, or other documents required to be served in this matter should be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"). Confidential and Extraordinarily Sensitive information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. For the duration of the COVID-19 emergency, any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.

Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission has directed that service on parties and the Commission's Staff in this matter shall be accomplished by electronic means. Please refer to the Commission's Order for Notice and Comment for further instructions concerning Confidential or Extraordinarily Sensitive Information.

On or before February 5, 2021, any interested person may file comments on the Application by following the instructions on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments or by filing such comments with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All such comments shall refer to Case No. PUR-2020-000239.

On or before January 8, 2021, any interested person or entity may participate as a respondent by filing, with the Clerk of the Commission at the address above or scc.virginia.gov/clk/efiling/, a notice of participation in accordance with the Commission's Rules of Practice. Notices of participation shall include the email addresses of the party or its counsel. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2020-00239. For additional information about participation as a respondent, any person or entity should obtain a copy of the Commission's Order for Notice and Comment.

On or before January 8, 2021, any interested person or entity may file, with the Clerk of the Commission at the address above or scc.virginia.gov/clk/efiling/, a request that the Commission convene a hearing on the Company's Application. Requests for hearing must include the email address of the filer or its counsel, along with: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement for the legal basis for such action; and (iv) a precise statement why the issues raised in the request for a hearing cannot be addressed adequately without a hearing. Any request for hearing simultaneously shall be served on counsel to the Company. All requests for hearing shall refer to Case No. PUR-2020-00239.

Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified by the Commission's Order for Notice and Comment, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

The Company's Application, the Commission's Rules of Practice, the Commission's Order for Notice and Comment, and other documents filed in the case may be viewed at: scc.virginia.gov/pages/Case-Information.

VIRGINIA ELECTRIC AND POWER COMPANY

(8) On or before December 4, 2020, the Company shall serve a copy of this Order for Notice and Comment on the following local officials, to the extent the position exists, in each county, city, and town through which the Project is proposed to be built: the chairman of the board of supervisors of each county; the mayor or manager (or equivalent official) of every city and town; and the county, city, or town attorney. Service shall be made electronically where possible; if electronic service is not possible, service shall be made by either personal delivery or first class mail to the customary place of business or residence of the person served.¹⁶

(9) On or before December 18, 2020, the Company shall file proof of the notice and service required by Ordering Paragraphs (7) and (8) above, including the name, title, address, and electronic mail address (if applicable) of each official served, with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, or by filing electronically at scc.virginia.gov/clk/efiling/.

(10) On or before December 4, 2020, the Company shall file with the Clerk of the Commission a certificate of the mailing of notice to owners of property prescribed by Ordering

¹⁶ In addition to the Commission's April 1, 2020 Order in Case No. CLK-2020-00007 (*see n.13, supra*), *see also* *Petition of Virginia Electric and Power Company, For a continuing waiver of 20 VAC 5-201-10 J of the Rules Governing Utility Rate Applications and Annual Informational Filings to permit electronic service to local officials upon request*, Case No. PUE-2016-00039, Doc. Con. Cen. No. 160420194, Order (Apr. 19, 2016).

Paragraph (6). The certificate shall not include the names and addresses of the owners of property served, but the Company shall maintain a record of such information.

(11) On or before February 5, 2021, any interested person may file comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. All comments shall refer to Case No. PUR-2020-00239.

(12) On or before January 8, 2021, any person or entity may participate as a respondent in this proceeding by filing, with the Clerk of the Commission at the address in Ordering Paragraph (9) or scc.virginia.gov/clk/efiling/, a notice of participation in accordance with the Commission's Rules of Practice. Such notice of participation shall include the email addresses of such parties or their counsel. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2020-00239.

(13) Within five (5) business days of receipt of a notice of participation as a respondent, the Company shall serve upon the respondent a copy of the Application and supporting materials, unless these materials already have been provided to the respondent.

(14) On or before January 8, 2021, any interested person or entity may file, with the Clerk of the Commission at the address in Ordering Paragraph (9) or scc.virginia.gov/clk/efiling,

and in accordance with the Rules of Practice, a request that the Commission convene a hearing on the Company's Application. Requests for hearing must include the email address of the filer or its counsel, along with: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement for the legal basis for such action; and (iv) a precise statement why the issues raised in the request for a hearing cannot be addressed adequately without a hearing. Any request for hearing simultaneously shall be served on counsel to the Company. All requests for hearing shall refer to Case No. PUR-2020-00239.

(15) The Staff shall investigate the Application. On or before February 26, 2021, the Staff shall file with the Clerk of the Commission a Staff Report containing its findings and recommendations. The Staff shall serve a copy thereof on counsel to the Company and all respondents.

(16) On or before March 12, 2021, the Company may file with the Clerk of the Commission and serve on the Staff and all parties any response to the Staff Report and any comments filed by interested persons in this proceeding.

(17) All documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(18) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition

to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to the Staff.¹⁷ Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(19) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.

¹⁷ The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/pages/Case-Information, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2020-00239, in the appropriate box.